

KENNETH M. KRYSS, et al.

Plaintiffs,

-v-

SCHULTE ROTH & ZABEL, LLP.

Defendant.

11 Civ. 1486 (JSR)

KENNETH M. KRYSS, et al.

Plaintiffs,

-v-

ROBERT AARON, et al.

Defendants.

08 Civ. 7416 (JSR)

~~[PROPOSED]~~ ORDER

Revised

WHEREAS, Special Master Hedges held a status conference in connection with the above captioned actions on March 14, 2012;

It is hereby **ORDERED** as follows:

1. Third-party defendant Patrina Khoo Farquharson shall promptly create an index of the electronic documents requested for production by Defendants Mark Kavanagh and Brian Owens and the DPM Defendants. The index shall detail, among other things, whether attachments are attached to Ms. Farquharson's emails. Ms. Farquharson shall be required to utilize the assistance of an electronic discovery consultant in creating such index. Ms.

Farquharson shall provide the index to counsel for Messrs. Kavanagh and Owens, and all other counsel that request a copy. Ms. Farquharson shall, at least initially, bear the attendant costs for the preparation of the index. If Ms. Farquharson seeks to shift the costs of the creation of such index or of any subsequent processing or production of documents, Ms. Farquharson shall submit an affidavit detailing the costs associated with such efforts and listing all of her assets.

2. The second day of the deposition of Kenneth Krys shall be postponed from March 19, 2012 to either April 10, 2012 or April 13, 2012. Counsel for all parties shall have further discussions to determine whether the second day of the deposition will take place on April 10, 2012 or April 13, 2012. Plaintiffs shall complete their production of documents requested in connection with the first day of Mr. Krys' deposition by at least one week before the second day of his deposition.

3. On or before April 6, 2012, the Krys Plaintiffs shall, in a sworn interrogatory response, submit an answer to Credit Suisse Interrogatory No. 5 contained within Defendants Pricewaterhousecoopers LLP's, Banc of America Securities LLC's and Credit Suisse Securities (USA) LLC's Second Set of Interrogatories to Plaintiffs served on or about December 19, 2011.

4. The Krys Plaintiffs shall confer with all individuals with whom they have entered into a settlement agreement regarding the First, Second, and Third Requests for Admission served by Defendants Kavanagh and Owens, and shall supplement their original responses to such requests for admission based on such discussions with such individuals.

5. Unless the DPM Defendants and non-party witnesses Messrs. Aaronson and Aliprandi otherwise reach an agreement regarding a current dispute regarding Messrs. Aaronson and Aliprandi's withholding of certain documents on the ground that such documents are

protected by the attorney-client privilege, the DPM Defendants shall file a motion to compel the production of such documents by March 21, 2012. Messrs. Aaronson and Aliprandi shall file an opposition brief, if any, by March 28, 2012.

6. The pre-trial conference before Special Master Hedges and Special Master Capra previously scheduled to take place on August 1, 2012 shall be adjourned until October 2, 2012 at 3:00 p.m. The agenda for the October 2, 2012 conference shall include (a) confirmation that all fact and expert discovery has been completed by that time, and (b) setting a schedule for briefing motions for summary judgment that have not previously been filed.

Dated: ~~New York, New York~~
March 26, 2012

SO ORDERED:


SPECIAL MASTER RONALD J. HEDGES